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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,040	04/15/2004	Hideki Furihata	MM4711	9444
7590 07/21/2005 WYATT, GERBER, MELLER & O ROURKE, L.L.P. 99 PARK AVENUE NEW YORK, NY 10016			EXAMINER FERGUSON, MARISSA L	
			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,040

Applicant(s)

FURIHATA ET AL.

Examiner

Marissa L. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 22-30 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) 5-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bluteau et al. (US Patent 6,181,361) in view of Ogawa et al. (US Patent 4,996,604).

Regarding claim 1, Bluteau et al. teaches a printer comprising a back case unit (FIX) having a continuous paper compartment for holding continuous paper (Column 4, Lines 7-11 and Lines 39-42), a top cover unit (CO) assembled to open and close (Figures 8 and 9) the back case unit so as to cover the continuous paper compartment when closed (Figure 9), and for forming a continuous paper transportation path for conveying the continuous paper between the top cover unit and back case unit when opened (Figure 1) and a first print unit (TIT) disposed to the continuous paper transportation path for printing to the continuous paper and a data reading device (10) disposed to the top cover unit for reading image data recorded or printed on an external medium when the medium is inserted into the printer (Figure 1). However, he does not explicitly disclose a data reading device incorporated in the top cover unit so as to move with the top cover unit. Ogawa et al. teaches an imaging device with a image detector (18) that is located in a detachably mounted upper cover unit (3 and Column 2, Lines 13-15).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Bluteau et al. to replace the sensor thereof with a sensor that is mounted in a moveable top cover as taught by Ogawa et al., since Ogawa et al. teaches that it is advantageous to provide a structure that improves operability by accurately conveying a document.

Regarding claim 2, Bluteau et al. teaches a printer wherein the data reading device (10) is an image scanning sensor for reading image data recorded to the medium.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bluteau et al. (US Patent 6,181,361) in view of Ogawa et al. (US Patent 4,996,604) as applied to claims 1 and 2 above, and further in view of Momose (US Patent 6,068,187).

Bluteau et al. and Ogawa et al. both teach the claimed invention with the exception of a front case unit having a slip transportation path for conveying a slip between a front case unit and back case unit and a second print unit disposed to the slip transportation path for printing to slips. Momose teaches a processing device used for processing checks including a front cover unit (5) with a slip transportation path (100) for conveying a media (R,S) between the front cover unit and back cover unit (15

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and Figures 1-3) and a second print unit disposed to the slip transportation path for printing the media (R,S). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Bluteau et al. to include the a slip transportation path as taught by Momose, since Momose teaches that it is advantageous to provide a structure that adds tension, in turn straightening out a medium in order to perform a highly accurate reading of the characters on the medium.

Allowable Subject Matter

3. Claims 5-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 22-30 are allowed.

Reasons for Allowance

7. The following is an examiner's statement of reasons for allowance: Regarding claims 5,6, the prior art does not teach or render obvious an internal cover located between the top cover unit and back case unit and assembled to open and close to the top cover unit wherein when the internal cover is closed, a medium transportation path is formed with the medium transportation path having one end adjacent the insertion opening for conveying the medium between the internal cover and the top cover unit and with the data reading device disposed adjacent the medium transportation path.

Regarding claim 22, the prior art does not teach or render obvious an internal cover located between the top cover and the body which can open and close when the

top cover is open with the internal cover assembled relative to the top cover such that a medium transportation path is formed only when the internal cover is closed for conveying the data recording medium to the data recording device.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571)

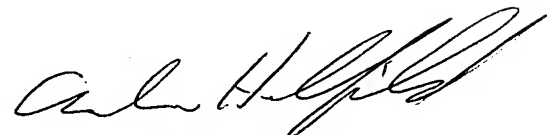
272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson
Examiner
Art Unit 2854

MLF



ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800